

# **EXHIBIT 5**

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

2:14-4327

**IN RE: METHYL TERTIARY BUTYL ETHER  
(MTBE) PRODUCTS LIABILITY LITIGATION**

MDL No. 1358

(SEE ATTACHED SCHEDULE)

**FILED**

AUG -5 2014

**CONDITIONAL TRANSFER ORDER (CTO -44)**

**MICHAEL E. KUNZ, Clerk**  
By \_\_\_\_\_ **Dep. Clerk**

On October 10, 2000, the Panel transferred 2 civil action(s) to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* Unpublished (J.P.M.L. 2000). Since that time, 169 additional action(s) have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Shira Ann Scheindlin.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Scheindlin.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the Southern District of New York for the reasons stated in the order of October 10, 2000, and, with the consent of that court, assigned to the Honorable Shira Ann Scheindlin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



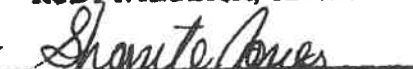
Jeffery N. Lüthi  
Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

Jul 30, 2014

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**A CERTIFIED COPY  
RUBY J. KRAJICK, CLERK**

BY   
Deputy Clerk

**IN RE: METHYL TERTIARY BUTYL ETHER  
(MTBE) PRODUCTS LIABILITY LITIGATION**

MDL No. 1358

**SCHEDULE CTO-44 – TAG-ALONG ACTIONS**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>CASE CAPTION</u></b>
PENNSYLVANIA EASTERN			
PAE	2	14-04327	THE COMMONWEALTH OF PENNSYLVANIA V. EXXON MOBIL CORPORATION, ET AL.

# EXHIBIT 6

ORAL ARGUMENT REQUESTED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether (“MTBE”) Products  
Liability Litigation

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**MDL No. 1358  
Master File C.A. No.  
1:00-1898 (SAS)**

**This document relates to the following case:**

*Commonwealth of Pennsylvania v.  
Exxon Mobil Corp. et al.*  
Case No. 1:14-cv-06228

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PLEASE TAKE NOTICE that under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), LUKOIL Americas Corporation (“LAC”) hereby moves to dismiss all counts of the Second Amended Complaint (filed in the above-captioned action) that seek relief from LAC, and for such other and further relief as the Court determines to be just and proper. This motion is made upon the accompanying Amended Declaration of Vincent De Laurentis sworn to on January 7, 2016, and the exhibits thereto; LAC’s Memorandum in Support; and any reply brief and/or oral argument that may be submitted or made by LAC in support of this motion.<sup>1</sup>

PLEASE ALSO TAKE NOTICE that LAC hereby joins in the arguments made in certain other defendants’ motion to dismiss. LAC’s understanding is that on January 8, 2016, several defendants named in this action will file a Rule 12(b)(6) motion to dismiss in which they will note LAC’s intention to join in their arguments by separate motion. LAC joins those arguments to dismiss to the extent they concern counts of the Second Amended Complaint brought against LAC, based upon any briefing and oral argument supporting those motions.

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<sup>1</sup> Only the 12(b)(2) portion of the motion relies on the declaration and exhibits.

Respectfully submitted,

/s/ James P. Tuite

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*Attorneys for LUKOIL Americas Corporation*

Date: January 8, 2016

**CERTIFICATE OF PRE-MOTION LETTER EXCHANGE**

I hereby certify that, in accordance with this Court's Individual Rules and Procedures, Part IV.B, LUKOIL Americas Corporation described the basis for its motion in a letter to Plaintiff dated December 22, 2015. Plaintiff responded on January 4, 2016. Counsel were unable to eliminate the need for filing this Motion to Dismiss. I also certify that, upon information and belief, the Defendants filing the motion referenced above sent a pre-motion letter to Plaintiff on December 22, 2015; Plaintiff responded on January 8, 2016.

/s/ James P. Tuite

Date: January 8, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2016, a true and correct copy of this Notice of Motion to Dismiss was electronically served on counsel of record via LexisNexis File & Serve, along with the Amended Declaration of Vincent De Laurentis sworn to on January 7, 2016, and the exhibits thereto; and LAC's Memorandum in Support. A hard copy of those papers will be sent to opposing counsel by overnight delivery.

/s/ James P. Tuite

Date: January 8, 2016

# **EXHIBIT 7**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898 (SAS)  
MDL 1358

**This document relates to:**

*Commonwealth of Pennsylvania v. Exxon Mobil  
Corporation, et al.*, Case No. 14-cv-06228

**CERTAIN DEFENDANTS' NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that the Defendants listed in Attachment A (collectively, "Defendants") hereby move before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order dismissing Count VI (Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law against the "MTBE MSDS Defendants"), Count VII (Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law against certain "MTBE Defendants"), Count IX (Violation of the Pennsylvania Storage Tank and Spill Prevention Act against the "Insurance Defendants"), and, to the extent previously Ordered by the Court, Count III (Nuisance) of the Second Amended Complaint. Defendants' motion is based upon their Memorandum of Law and any reply brief and/or oral argument that may be submitted or made by Defendants in support of this motion.

January 8, 2016

New York, New York

By: 

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*Counsel for Defendants Exxon Mobil Corporation  
and ExxonMobil Oil Corporation, and on behalf  
of Defendants Listed on Attachment A*

**ATTACHMENT A<sup>1</sup>**

American Refining Group, Inc.

Atlantic Richfield Company  
BP America Inc.  
BP Amoco Chemical Company  
BP Holdings North America Limited  
BP PLC  
BP Products North America Inc.  
BP West Coast Products LLC

Chevron Corporation  
Chevron U.S.A. Inc.  
Texaco Inc.  
TRMI-H LLC

CITGO Petroleum Corporation  
CITGO Refining and Chemicals Company L.P.

Coastal Eagle Point Company  
El Paso Merchant Energy-Petroleum Company  
Kinder Morgan, Inc.

Conoco, Inc.  
ConocoPhillips  
ConocoPhillips Company  
Phillips 66  
Phillips 66 Company  
Phillips Petroleum Company  
Tosco Corporation  
Tosco Refining Co.

Crown Central LLC

Cumberland Farms, Inc.  
Gulf Oil Limited Partnership

Duke Energy Merchants, LLC

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<sup>1</sup> Defendants listed below join as to the Counts in which they are named. Defendant Lukoil Americas Corporation ("LAC") has indicated that it will join in Defendants' arguments, concerning Counts brought against LAC, by separate motion.

Equilon Enterprises LLC  
Motiva Enterprises LLC  
Shell Oil Company  
Shell Oil Products Company LLC  
TMR Company

Exxon Mobil Corporation  
ExxonMobil Oil Corporation

George E. Warren Corporation

Getty Properties Corp.

Hess Corporation  
WilcoHess LLC  
Marathon Oil Corporation  
Marathon Petroleum Corporation  
Marathon Petroleum Company LP

NuStar Terminal Operations Partnership L.P.

Premcor Refining Group, Inc.  
Premcor USA, Inc.  
Valero Energy Corporation<sup>2</sup>  
Valero Marketing and Supply Company  
Valero Refining and Marketing Company

Sunoco, Inc. (f/k/a Sun Company, Inc.)  
Sunoco, Inc. (R&M)  
Energy Transfer Partners, L.P.  
ETP Holdco Corporation

Total Petrochemicals & Refining USA, Inc.

United Refining Company

Western Refining Yorktown, Inc.

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<sup>2</sup> The Second Amended Complaint named Ultramar Diamond Shamrock Corporation. However, Ultramar Diamond Shamrock Corporation has merged into Valero Energy Corporation, and the former entity no longer exists.